

ORDINANCE NO. 457

AN ORDINANCE CONCERNING THE DEVELOPMENT OF ELECTRIC ENERGY RESOURCES AND THE PRODUCTION AND TRANSMISSION OF ELECTRIC ENERGY; AUTHORIZING THE ESTABLISHMENT OF THE ARKANSAS RIVER POWER AUTHORITY AS A SEPARATE GOVERNMENTAL ENTITY AND AS A SUCCESSOR TO THE EXISTING NONPROFIT CORPORATION OF THE SAME NAME; AND AUTHORIZING THE MAKING OF AN ORGANIC CONTRACT FOR SUCH PURPOSES.

WHEREAS, the Cities of La Junta, Lamar, Las Animas, Trinidad and Walsenburg, Colorado, and the City of Raton, New Mexico ("Municipalities"), each owns and operates electric systems and are members of the Arkansas River Power Authority, a non-profit Colorado corporation ("Non-Profit Corporation"), which was organized to provide substantially the same function, service and facility as the governmental entity to be authorized by this Ordinance; and

WHEREAS, the City of Las Animas ("City" or "Municipality"), after extensive study of the matter, deems it in the best interests of the City to contract together with other Municipalities, pursuant to Section 29-1-204, C.R.S. 1973, which was enacted by the 1975 Colorado General Assembly, to establish a separate governmental entity to be the successor to the Non-Profit Corporation and, as such successor, to assist in supplying the electric energy requirements of the Municipalities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO:

Section 1. Contingent only upon similar authorizing action being taken by each of the other Municipalities, the City shall contract with the other Municipalities to establish a separate governmental entity to effect the development of electric energy resources and production and transmission of electric energy in whole or in part for the benefit of the inhabitants of the contracting Municipalities, the governmental entity to be known as the Arkansas River Power Authority ("Authority") by the execution and delivery of the ORGANIC CONTRACT CREATING AND ESTABLISHING THE ARKANSAS RIVER POWER AUTHORITY AS A SEPARATE GOVERNMENTAL ENTITY ("Organic Contract") in the form of said Organic Contract presented to this meeting and a copy of which shall be retained on file by the City Clerk; and the Mayor and City Clerk are hereby authorized and directed to execute said Contract on behalf of the City.


Section 2. Upon the effective date of the Organic Contract, the Authority is acknowledged and recognized as the successor to the Non-Profit Corporation and the City does hereby approve, consent and agree that all contracts, agreements, indemnifications, obligations, undertakings or other instruments ("Existing Documents") which this Municipality has heretofore entered into with or on behalf of the Non-Profit Corporation shall, where applicable, be assigned and transferred to the Authority by the Non-Profit Corporation and shall after such transfer and assignment remain in full force and effect according to their respective terms and conditions which the Existing Documents shall include; and the Mayor is hereby authorized to execute any consents to assignment which may be requested by the Authority.

Section 3. If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other provision of this Ordinance.

Section 4. All ordinance, resolutions, bylaws and regulations of the City in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw, or regulation, or part thereof, heretofore repealed.

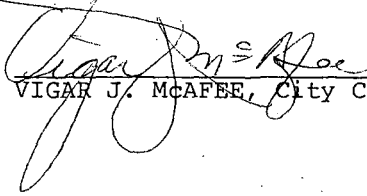
This Ordinance shall be in full force and effect thirty (30) days after publication following final passage and adoption.

INTRODUCED, READ IN FULL, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 10th DAY OF July, 1979.


GERALD R. GARCIA, Mayor
City of Las Animas, Colorado

(SEAL)

ATTEST:


VIGAR J. MCAFEE, City Clerk

C-1 LINE #62033
CLEAR TOPPER

